1. **APPLICATION SITE AND LOCALITY**
	1. The application relates to an existing barn/outbuilding attached to a large detached dwelling, of natural stone and slate roof, sitting within a substantial plot on the edge of the village of Burdrop. There are residential properties to the north, west and south with open countryside to east. Also adjacent to the north is Sibford Surgery. The site is accessed off a narrow village street with hardstanding and a double garage providing off-street parking.
	2. In terms of site constraints, the site lies within the designated Sibford Gower with Burdrop Conservation Area and historic village core which is of archaeological interest. There are a number of Grade II listed properties to the south of the application site. A Public Right of Way (PRoW) (ref. Footpath 348/19/10) runs adjacent the southern boundary of the site. There are environmental records of Swifts and Badgers as being present within the vicinity of the site; given the context of the site and the nature of the development it is considered that such species would not be affect by the development.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
	1. The application seeks planning permission for the extension to and conversion of the existing single storey, attached, residential barn to allow use for short-term holiday let accommodation (Use Class C3). The applicants have further indicated that they would also like to use the proposed building as ancillary accommodation to the main dwelling should family members and visitors wish to use the facilities.
	2. The proposals would include: a minor extension of the existing building finished in timber cladding to the rear; the replacement of the existing corrugated metal roof with a natural slate roof; the introduction of a new window opening on the front elevation and new/replacement timber windows and doors.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

|  |  |  |
| --- | --- | --- |
| Application Ref. | Proposal | Decision |
| 16/01576/CLUE | Certificate of Lawfulness of Existing Development for the erection of a rear extension | Application Permitted |
| 17/00380/CLUP | Change of use of adjoining barn to residential accommodation for single dwelling use with main house, re-roofing of barn with natural slate to match main house; insertion of conservation roof lights; replacement of doors to road with like-for-like replacement of doors to garden with window/new door | Application Permitted |
| 18/01859/F | Demolition of existing and erection of replacement stables | Pending Consideration |
| 18/01872/F | Erection of a cabin | Pending Consideration |

1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with regard to this proposal*.*
3. **RESPONSE TO PUBLICITY**
	1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 15.11.2018.
	2. No comments have been raised by third parties*.*
4. **RESPONSE TO CONSULTATION**
	1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. SIBFORD GOWER & BURDROP PARISH COUNCIL: No objections.

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY: No objections.

NON-STATUTORY CONSULTEES

* 1. ARCHAEOLOGY: No objections.
	2. BUIDLING CONTROL: No objections.
	3. DESIGN AND CONSERVATION: No objections, subject to appropriate materials and windows and doors.
	4. ECOLOGY: No comments received.
1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

* Villages 1: Village categorisation
* SLE 3: Supporting Tourism Growth
* ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C28: Layout, design and external appearance of new development
* C30: Design control
1. Other Material Planning Considerations
* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)
* Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012
* Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
1. **APPRAISAL**
2. The key issues for consideration in this case are:
* Principle of development
* Design, and impact on the character of the area
* Residential amenity
* Highway safety

Principle of development:

1. The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside as key opportunities for support. In addition, the NPPF also recognises that the conversion of buildings can further help to support a prosperous rural economy where it meets sustainable development objectives. Policy SLE 3 of the CLP 2031 is consistent with the NPPF and supports tourism in sustainable locations.
2. The principle of new residential development in Burdrop is assessed against Policy Villages 1 in the CLP 2031. Burdrop is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1, by virtue of its close association with Sibford Ferris and Sibford Gower. Within Category A villages residential development is restricted to minor development, infilling and conversions.
3. The site is an existing residential property within the built up limits of the village and the existing outbuilding could potentially be converted to ancillary residential accommodation to the main dwelling without the need for planning permission; as has been established through application 17/00380/CLUP.
4. The use of the building as a short term holiday let is unlikely to result in any significant detrimental impacts above those if the outbuilding were to be used as ancillary residential accommodation to the main dwelling, being of a similar residential use.
5. The site is in a location which is identified within Policy Villages 1 of the CLP 2031 as being one of the more sustainable settlements within the district. The proposals are unlikely to result in any significant environmental impacts and are in what is generally considered a sustainable village location. The principle of development is therefore considered acceptable in general sustainability terms subject to the further considerations below.

Design, and impact on the character of the area:

1. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness.
2. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The general scale and form of the existing attached barn would not significantly change as a result of the proposed development. As noted above, the proposals would include the replacing of the existing metal roof with a natural slate roof, a minor extension to the rear and new and replacement fenestration.
5. The proposed replacement roof and new window and door openings in the front elevation would be the main changes appreciated from the public domain, with the rear of the property not generally being visible from the public domain. The site is bounded by high stone boundary wall along its southern boundary which would largely obscure views from the PRoW that runs adjacent the site; however, some glimpsed views may be available from this route.
6. It is considered that the use of natural slate roof would not appear out-of-place in context of the street-scene and subject to approval of an appropriate slate sample would be acceptable.
7. The proposed new window on the front elevation is relatively small scale and subject to appropriate design, materials (timber) and detail would not detract from the visual amenities or character of the existing building. It is also proposed to replace existing barn doors on the front elevation. Again, subject to an appropriate sympathetic design and appropriate materials being used it is considered that proposals in this respect would not detract character and appearance of the site and its setting within the wider street-scene.
8. The use of timber cladding on the rear elevation would again not be out of character with the context, with timber often being found on outbuildings as a finish material. Approval of an appropriate choice of cladding material could be secured through an appropriate condition.
9. Subject to approval of specific materials it is considered that the proposals would not be to the detriment of the visual amenities of the site or its setting on the edge of the village. The proposals are considered to sustain the character and appearance of the surrounding conservation area and are therefore considered acceptable in this regard.

Residential amenity:

1. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.
2. Given the nature and scale of the proposed development and the relationship of the site with neighbouring properties, it is considered that the current proposals would not result in any significant detrimental impacts on the amenities of neighbouring residential properties.
3. Given its close relationship and sharing of facilities and amenity space (including garden and parking areas) with the host property it is considered that the outbuilding should remain ancillary to the main dwelling, as by separating it off it would likely result in detrimental impacts on the amenity of the occupants of the main dwelling and also result in a cramped living environment to the occupants of the outbuilding. Whilst this cramped living environment may be considered acceptable on a short term basis it is not considered appropriate a permanent arrangement as a separate dwellinghouse; and that this would need to be controlled through an appropriate condition attached to any such permission.

Highway safety:

1. The LHA has assessed the proposals and raises no objection to the application. Whilst officers see no reason to disagree with this opinion, this is on the basis of the outbuilding sharing parking provision at the main house.
2. The applicant has provided a parking layout plan which demonstrates that sufficient on-site parking provision is available that the proposals would not likely result in any significant demand for on-street parking.
3. The adjacent lane is narrow and on-street parking is evident, and to some extents restricting vehicle movements for larger vehicles and requiring care when passing other vehicles.
4. The outbuilding does not have any direct provision for parking and the proposed use would be reliant on parking provided within the curtilage of the main dwellinghouse. It is therefore considered appropriate that the use of the outbuilding remains in the same ownership as the main dwellinghouse so that it can continue to benefit from the use of on on-site parking provision, as without this the proposals would likely result in detrimental impacts on the safety and convenience of other highway user through the likely exacerbation of the need for on-street parking.
5. Given the above assessment it is considered that subject to the outbuilding (subject of this application) remaining in the same ownership that the proposals would be acceptable in terms of highway safety.

Other matters

1. The red line site area for this application includes land which is not considered to in residential use or to form part of the residential curtilage to the dwelling. The inclusion of this land within the red line for this application does denote acceptance of this land as being in residential use or forming part of the residential curtilage to the dwelling.
2. **PLANNING BALANCE AND CONCLUSION**
3. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
4. It is considered that, subject to schedule of conditions detailed below, the proposals assessed within this application would constitute an acceptable form of development that causes no significant harm to neighbour amenity, highway safety or visual amenity, sustaining the character and appearance of the surrounding conservation area; whilst providing opportunities for both ancillary residential accommodation and additional holiday let accommodation, supporting tourism opportunities within the district. As such, it is considered to be broadly consistent with the provisions and aims of the above mentioned policies and is recommended for approval as set out below.

|  |
| --- |
| 1. **RECOMMENDATION**

That permission is granted, subject to the following conditions1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, the Planning and Design Statement and drawings numbered 171131-01, 171131-02A and 171131-30.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.1. Prior to their installation within the development hereby approved, full details of the timber doors and timber windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details, and shall be retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the historic environment and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.1. Prior to the construction of the roof of the development hereby approved above, a sample of the natural grey slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.1. Prior to the installation of the timber cladding on the rear elevation of the development hereby approved, details of the timber cladding, including type and colour finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.1. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.1. The parking area shown on approved drawing number 171131-30 shall be kept free of obstructions at all times and used only for the parking and manoeuvring of vehicles, and shall be retained as such thereafter.

Reason: In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.1. The accommodation hereby approved shall not be used other than to provide:
2. Residential accommodation ancillary to the main dwelling house;

Or1. Holiday accommodation which shall not be occupied by any one person(s) for more than 28 days in a calendar year. In regard to this use a register of occupiers shall be kept for the unit, including as a minimum the name of the occupier(s) and the date of arrival and date of departure, and this shall be made available for inspection by the Local Planning Authority at all reasonable times.

Reason: The building, because of its siting in relation to the existing dwellinghouse and lack of external amenity space is not suitable for permanent residential accommodation without it being cramped or causing harm to the amenities of the occupants of the adjoining dwellings in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE3, and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.1. The residential accommodation hereby approved shall not be sold or used as a separate permanent dwelling unit independent from the existing main dwelling, and shall, upon the cessation of its use, become an integral part of the existing dwelling.

Reason: In the interest of highway safety and that the site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwellings, and in order to comply with saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.Planning Notes:1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant’s and/or the developer’s attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for ‘prior consent’ to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council’s Environmental Protection Team Leader for further advice on this matter.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. Reason: To ensure the public right of way remains available and convenient for public use.
7. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. Reason: To ensure the public right of way remains available and convenient for public use.
8. No construction/demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use
 |

|  |  |  |
| --- | --- | --- |
| Case Officer:  | Bob Neville | DATE: 30/11/2018 |
| Checked By:  | Nathanael Stock | DATE: 30.11.2018 |